

## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 15-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MAY 19, 2003

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2003 Fall  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the District of Columbia Campaign Finance Reform and Conflict of Interest Act to allow members of the Board of Education to receive honoraria without restriction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Honoraria Emergency Amendment Act of 2003".

Sec. 2. Section 801(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, effective October 18, 1989 (D.C. Law 8-41; D.C. Official Code § 1-1108.01(a)), is amended by striking the phrases "or of the Board of Education" and "or a member of the Board of Education".

Note,  
§ 1-1108.01

Sec. 3. Fiscal impact statement.


This act will have no fiscal impact. It amends a limitation as to honoraria received by members of the Board of Education. It does not amend the requirement to report to the Office of Campaign Finance pursuant to section 602(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Official Code § 1-1106.02(a)), and therefore has no effect on the Office's workload.

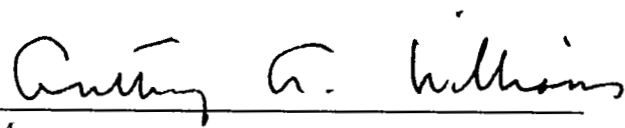
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of

ENROLLED ORIGINAL

the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
May 19, 2003

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-87

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2003Codification  
District of  
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2001 Edition

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To amend, on an emergency basis, due to Congressional review, the Health Services Planning Program Re-Establishment Act of 1996 to provide that staffing of the State Health Planning and Development Agency ("SHPDA") can continue beyond March 1, 2003, to authorize the funding of SHPDA through fees, to exempt public, charter, and private schools from the certificate of need procedures for services offered to students with special needs, to require that certificate of need determinations be made within 90 days, extendable under certain circumstances for an additional 30 days, to authorize SHPDA to charge fees for providing to the public documents relating to the application process, to increase the threshold for nonpatient care projects from \$5 million to \$8 million, to establish the State Health Planning and Development Fund as a nonlapsing, revolving fund, and to implement other streamlined certificate of need procedures; to amend Title XX of the Fiscal Year 2003 Budget Support Amendment Act of 2002 to provide that staffing of the SHPDA can continue beyond March 1, 2003; and to amend Title XX of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2002 to provide that staffing of the SHPDA can continue beyond March 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning and Development Congressional Review Emergency Amendment Act of 2003".

Sec. 2. The Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

(1) Paragraph (3)(A) is amended by striking the number "\$2,000,000" and inserting the number "\$2,500,000" in its place.

(2) Paragraph (10) is amended by striking the phrase "the private office facilities of a health professional," and inserting the phrase "the private office facilities of a health professional or group of health professionals, where the health professional or group of health professionals provides conventional offices services limited to medical consultation,

Note,  
§ 44-401

## ENROLLED ORIGINAL

general non-invasive examination, and minor treatment," in its place.

(3) Paragraph (14)(A) is amended to read as follows:

"(14)(A) "Major medical equipment" means equipment which is used for the provision of medical or other health services, which is acquired by lease, purchase, donation or other comparable arrangement by or on behalf of a health care facility and which has a fair market value in excess of \$1,500,000 or by or on behalf of a physician or group of physicians and which has a fair market value in excess of \$750,000; except that the SHPDA may, by rule, adjust this threshold annually to reflect the change in the Consumer Price index issued by the Bureau of Labor Statistics, United States Department of Labor. "Major medical equipment" shall not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office or a hospital and it meets the requirements of § 1861(s)(10) and (11) under the Social Security Act, approved August 14, 1935 (49 Stat. 420; 42 U.S.C. 1395x(s))."

(b) Section 3(a) (D.C. Official Code § 44-402(a)) is amended as follows:

Note,  
§ 44-402

(1) Designate the existing language as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

"(2) Local revenues, not to exceed fees collected pursuant to section 21, shall be utilized to fund a maximum of 4 staff positions to administer SHPDA (Project Review Division - Certificate of Need Division Chief; 2 Public Health Analysts; and Secretary)."

(c) Section 6 (D.C. Official Code § 44-405) is amended by adding a new subsection (g) to read as follows:

Note,  
§ 44-405

"(g) The SHPDA is authorized to establish a fee schedule for certain data, analyses, and reports available through SHPDA."

(d) Section 8(b) (D.C. Official Code § 44-407(b)) is amended as follows:

Note,  
§ 44-407

(1) Paragraphs (1), (3), and (4) are amended to read as follows:

"(1) The upgrading, maintenance, or correction of facility deficiencies that may be in violation of federal and District fire, building, and safety codes, or that will improve patient safety;

"(3) Nonpatient care projects requiring the obligation of a capital expenditure of less than \$8 million;

"(4) The acquisition of the same or similar medical equipment to replace, upgrade, or expand the capacity of the same equipment for which a certificate of need has been granted, if the replacement equipment is removed from service;"

(2) Paragraph (6) is repealed.

(3) Paragraph (8) is amended by striking the word "and" at the end.

(4) Paragraph (9) is amended by striking the phrase "review." and inserting the phrase "review;" in its place.

(5) New paragraphs (10) and (11) are added to read as follows:

## ENROLLED ORIGINAL

“(10) The acquisition of major medical equipment or institution of new institutional health services determined by the Department to be necessary for a declared public health purpose or deemed necessary to provide health care services under contract to or grant from a District of Columbia agency; and

“(11) District of Columbia public, charter, and private schools for any health care service offered or developed for students with special needs in compliance with the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, or the Early and Periodic Screening, Diagnosis, and Treatment standards, or any other federal or District of Columbia legal requirements.”.

(e) Section 10 (D.C. Official Code § 44-409) is amended as follows:

Note,  
§ 44-409

(1) Subsection (c) is amended as follows:

(A) Insert the phrase "for expedited administrative review," after the phrase "renewal applications,".

(B) Strike the last sentence.

(2) Subsection (d)(2) is amended to read as follows:

“(2) The SHPDA shall issue its determination on an application for a certificate of need within 90 days after the date that the review process begins. If the SHPDA cannot issue its determination within that period, the review period may be extended for one additional period of 30 days.”.

(3) Subsection (f) is amended by adding a new sentence at the end to read as follows:

“The SHPDA is authorized to charge reasonable fees for the costs of providing to the public documents covered under this subsection.”.

(f) Section 11(a) (D.C. Official Code § 44-410 (a)) is amended by inserting the phrase “major medical equipment,” after the phrase "health service,".

Note,  
§ 44-410

(g) Section 21 (D.C. Official Code § 44-420) is amended by inserting 3 new sentences at the end to read as follows:

Note,  
§ 44-420

“The annual user fee for private hospitals shall be \$4 per inpatient admission, based on the previous year's admission data, to be paid to the SHPDA on a quarterly basis, in lieu of a certificate of need application fee. User fees may also be established for other classes of facilities by regulation. SHPDA may adjust a user fee periodically to reflect the change in the Consumer Price index issued by the Bureau of Labor Statistics, United States Department of Labor.”.

(h) A new section 22b is added to read as follows:

Note,  
§ 44-421

“Sec. 22b. Establishment of State Health Planning and Development Fund.

“(a) There is established as a nonlapsing, revolving fund in the Department of Health the State Health Planning and Development Fund ("SHPDA Fund"), to be administered by the Mayor as an agency fund as defined in section 373(2)(I) of Title 47 of the District of Columbia

## ENROLLED ORIGINAL

Official Code, to which all fees, civil fines, and interest relating to the State Health Planning and Development Agency shall be deposited and credited.

“(b) Revenues deposited into the SHPDA Fund shall not revert to the General Fund at the end of any fiscal year or at any other time but shall be continually available to the Department of Health for the uses and purposes set forth in subsection (c) of this section, subject to authorization by Congress in an appropriations act.

“(c) Subject to the applicable laws relating to the appropriation of District funds, monies received by and deposited in the State Health Planning and Development Fund shall be for the sole use of the State Health Planning and Development Agency and from it shall be paid all salaries and all other expenses necessary in carrying out the duties of the SHPDA. The Mayor shall be responsible for the deposit and expenditure of these monies.

“(d) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the State Health Planning and Development Fund. The Mayor's budget request shall be based on an estimated projection of the expenditures necessary to perform the administrative and regulatory functions of the State Health Planning and Development Agency.”.

Sec. 3. Title XX of the Fiscal Year 2003 Budget Support Amendment Act of 2002, signed by the Mayor on December 4, 2002 (D.C. Act 14-543; 49 DCR 11664), is amended as follows:

(a) Section 2002(b)(1)(B) is amended to read as follows:

“(B) A new paragraph (2) is amended to read as follows:

“(2) Local revenues, not to exceed fees collected pursuant to section 21, shall be utilized to fund a maximum of 4 staff positions to administer SHPDA (Project Review Division - Certificate of Need Division Chief; 2 Public Health Analysts; and Secretary).”.

Sec. 4. Title XX of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003, effective February 24, 2003 (D.C. Act 15-27; 50 DCR 2151), is amended as follows:

(a) Section 2002(b)(1)(B) is amended to read as follows:

“(B) A new paragraph (2) is amended to read as follows:

“(2) Local revenues, not to exceed fees collected pursuant to section 21, shall be utilized to fund a maximum of 4 staff positions to administer SHPDA (Project Review Division - Certificate of Need Division Chief; 2 Public Health Analysts; and Secretary).”.

Sec. 5. Applicability.

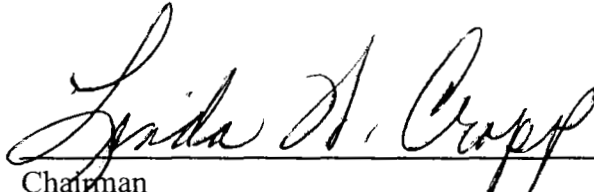
This act shall apply as of May 30, 2003.

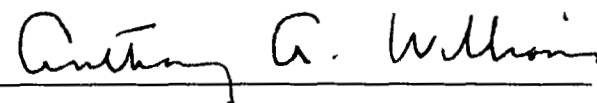
## ENROLLED ORIGINAL

the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
May 19, 2003

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2003*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2003 Fall  
Supp.West Group  
Publisher

To transfer, on an emergency basis, the operation of the Disability Compensation Program from the Office of Personnel to the Office of the City Administrator; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make a conforming amendment; to require the Office of the City Administrator to report annually to the Council on its risk management activities; and to limit the number of full-time equivalent employees engaged in the performance of the risk management function in fiscal year 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this title may be cited as the "Disability Compensation Program Transfer and Risk Management Emergency Amendment Act of 2003".

Sec. 2. (a) All of the powers, duties and functions transferred to the Office of Personnel under section 1202 of the District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6891), are hereby transferred to the Office of the City Administrator.

(b) All property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Office of Personnel under section 1202 of the District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6891), are hereby transferred to the Office of the City Administrator.

Sec. 3. Section 2302a of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 1-623.02a), is amended by striking the phrase "to the Director of Personnel" and inserting the phrase "to the City Administrator" in its place.

Note,  
§ 1-623.02a

Sec. 4. Report by the Office of the City Administrator to the Council on risk management activities.



## ENROLLED ORIGINAL

(a) For the purposes of this section, the term "risk management" means the process of making and implementing decisions to systematically preserve the physical, human, and financial resources of organizations, with the goals of minimizing the adverse effects of accidental losses on organizations and clarifying an organization's understanding of its exposure to risks, including loss of, or damage to, property; liability loss; interrupted revenue; and loss of personnel resources.

(b) On or before February 1 of each year, the Office of the City Administrator, or any successor agency which shall perform its risk management function, shall provide a report to the Council delineating the savings realized by the District of Columbia as a direct result of implementing risk management plans. The report shall:

- (1) Be prepared on an agency-by-agency basis;
- (2) State the losses incurred in the prior fiscal year;
- (3) State the savings realized in the prior fiscal year as a direct result of implementing risk management plans compared to the loss experience in both the next preceding fiscal year and the baseline fiscal year 2002; and
- (4) Include all data reported to the Office of the City Administrator by the Risk Management Council addressing risks within agencies and plans implemented to eliminate those risks.

Sec. 5. Limitation on number of full-time equivalent employees in fiscal year 2004.

(a) In the performance of its risk management functions, the Office of the City Administrator, or any successor agency which shall perform such functions, shall not employ more than 19 full-time equivalent employees. For the purpose of this section, the term "risk management" shall have the same meaning as in section 4.

(b) This section shall apply as of October 1, 2003.

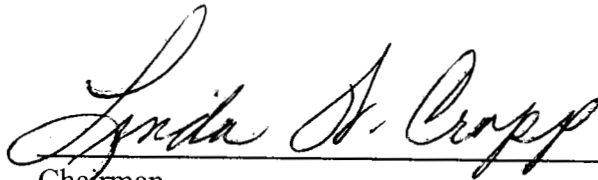
Sec. 6. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

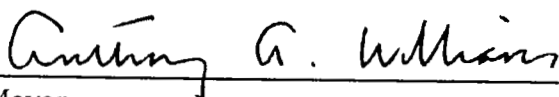
Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

May 19, 2003

APPROVED

JUN 6 - 2003

Government of the District of Columbia  
Office of the Chief Financial OfficerNatwar M. Gandhi  
Chief Financial OfficerMEMORANDUM

TO: The Honorable Linda W. Cropp  
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi  
Chief Financial Officer

DATE: JUN - 4 2002

SUBJECT: Fiscal Impact Statement: "Disability Compensation Program Transfer Amendment Act of 2002"

REFERENCE: Draft Legislation as Introduced- No Number Available

Conclusion

Funds are sufficient in the FY 2002 budget and the FY 2003 through FY 2006 budget and financial plan as currently agreed to by the Mayor and the Council of the District of Columbia. The City Administrator's Office will be required to absorb all costs associated with implementing the proposed legislation.

Background

The proposed legislation would approve the transfer of the Disability Compensation Program from the District Office of Personnel to the Office of the City Administrator, Risk Management Program. Transfer of the Disability Compensation Program would include the transfer of program authority, budget and full-time equivalent positions.

Financial Plan Impact

Funds are sufficient in the FY 2002 budget and the proposed FY 2003 through FY 2006 budget and financial plan to implement the provisions of the proposed legislation. The Office of the City Administrator will be required to absorb any additional costs that are incurred when implementing the provisions of the proposed legislation.

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## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-89IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MAY 19, 2003Codification  
District of  
Columbia  
Official Code

2001 Edition

2003 Fall  
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Publisher

To amend, on an emergency basis, the Lead-Based Paint Abatement and Control Act of 1996 to change exemptions and increase criminal and civil penalties and fines for violations to match federal standards; to amend the Housing Regulations of the District of Columbia to require notice to the Department of Health of peeling paint in older housing businesses; and to amend section 806 of Title 20 of the District of Columbia Municipal Regulations to make technical amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lead-Based Paint Abatement and Control Emergency Amendment Act of 2003".

Sec. 2. The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-115.01) is amended as follows:

Note,  
§ 8-115.01

(1) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (8) is amended by striking the phrase "seven-tenths of a milligram per square centimeter (0.7 mg/cm<sup>2</sup>)" and inserting the phrase "one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)" in its place.

(3) A new paragraph (12) is added to read as follows:

"(12) "0-bedroom unit" means any residential unit in which the living areas are not separated from the sleeping areas."

(b) Section 5 (D.C. Official Code § 8-115.04) is amended as follows:

Note,  
§ 8-115.04

(1) Paragraph (1) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(c) Section 8(a) (D.C. Official Code § 8-115.07(a)) is amended by striking the phrase "individuals, except governmental agencies." and inserting the phrase "individuals." in its place.

Note,  
§ 8-115.07

## ENROLLED ORIGINAL

(d) Section 13(a) (D.C. Official Code § 8-115.12(a)) is amended to read as follows:

Note,  
§ 8-115.12

"(a) Notwithstanding any other provision of this act, any person who knowingly or willfully violates sections 4, 6, 7, or 8, or the implementing rules and regulations, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$25,000, imprisonment of not more than one year, or both."

(e) Section 14(a) (D.C. Official Code § 8-115.13(a)) is amended by striking the phrase "\$500" and inserting the phrase "\$25,000" in its place.

Note,  
§ 8-115.13

Sec. 3. The Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503; 14 DCMR Chapters 1-13), are amended as follows:

DCMR

(a) Section 1102 (14 DCMR § 199.1) is amended by amending the definition for the term "exterior surface" by striking the number "8" and inserting the phrase "six (6)" in its place.

(b) Section 2605.2 (14 DCMR §§ 707.8-707.12) is amended by striking the number "8" and inserting the phrase "six (6)" in its place.

(c) Section 2605.3 (14 DCMR §§ 707.13-707.14) is amended as follows:

(1) Strike the phrase "0.5 of 1 percent or more of the total weight of the materials or 0.7 milligrams or more per square centimeter (0.7 mg/cm<sup>2</sup>)" and insert the phrase "five-tenths of one percent (0.5%) or more of the total weight of the materials or one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)" in its place.

(2) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(d) Section 2605.4 (14 DCMR §§ 707.3-707.4) is amended as follows:

(1) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(2) Strike the phrase "0.5 of 1 percent of the total weight of the material or more than 0.7 milligrams per square centimeter (0.7 mg/cm<sup>2</sup>)" wherever it appears and insert the phrase "five-tenths of one percent (0.5 %) of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm<sup>2</sup>)" in its place.

(e) Section 2605a(a) (14 DCMR §§ 707.15-707.16) is amended by striking the number "8" wherever it appears and inserting the phrase "six (6)" in its place.

(f) A new section 3103.6 (14 DCMR § 201.6) is added to read as follows:  
"3103.6 The Director of the District agency responsible for enforcement of the housing regulations shall report to the Director of the District agency responsible for health regulations the presence of peeling paint on the interior or exterior surfaces of any housing business built before 1978, and licensed under this chapter, excluding hotels and motels."

Sec. 4. Section 806.1(e)(3) of Title 20 of the District of Columbia Municipal Regulations (February 1997) (20 DCMR § 806.1(e)(3)) is amended by striking the phrase "If performing clearance tests, the" and inserting the word "The" in its place.

DCMR

ENROLLED ORIGINAL

Sec. 5. Applicability.

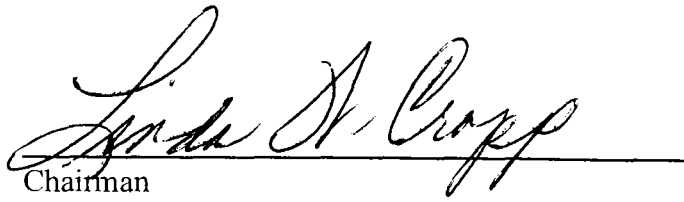
This act shall apply as of May 30, 2003.

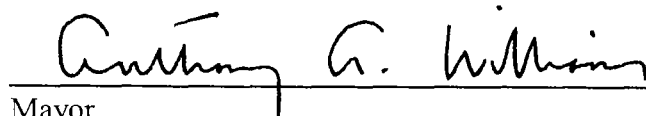
Sec. 6. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
May 19, 2003

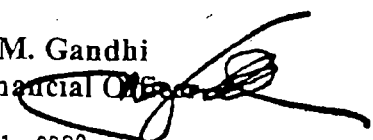
Government of the District of Columbia  
Office of the Chief Financial Officer



Natwar M. Gandhi  
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp  
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi  
Chief Financial Officer 

DATE: APR - 1 2002

SUBJECT: Fiscal Impact Statement: "Lead-Based Paint Abatement and Control Amendment Act of 2002"

REFERENCE: Draft Legislation - Bill Number Not Available

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**Conclusion**

Funds are sufficient in the FY 2002 through FY 2005 budget and financial plan because implementation of the proposed legislation would not require any additional funds or resources. The proposed legislation would have a potential, minimal positive impact on general fund revenue.

**Background**

The proposed legislation would increase fines to match federal limits and would align District regulations with federal lead-based paint regulations. These changes are necessary to demonstrate that the District program is at least as protective of human health as the federal program and provides adequate enforcement. Enactment of the proposed legislation would enable the District to obtain final delegation of enforcement of the lead-based paint provisions of the Toxic Substances Control Act (Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003; 15 U.S.C. § 2601 *et seq.*). These regulations define the manner in which lead-based paint in occupied buildings must be treated to reduce the exposure of children to lead poisoning.

Failure to implement the proposed changes may result in denial of the application to obtain final delegation of the federal lead-based paint regulations and the potential loss of approximately \$400,000 in federal grant funds that the District now receives.

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JUN 6 - 2003

ENROLLED ORIGINAL

### **Financial Plan Impact**

Funds are sufficient in the FY 2002 through FY 2005 budget and financial plan because the District is not expected to incur any additional expenditures as a result of the proposed legislation. The proposed legislation is expected to generate revenue from increased fines ranging between \$23,700 and \$57,500 in FY 2002 through FY 2005. The exact amount of revenue cannot be determined because the fine assessed ranges from the proposed statutory minimums of \$250 and \$500 to a high of \$25,000.



## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 15-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MAY 19, 2003

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2003 Fall  
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To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2003".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Note,  
§ 1-601.03

"(7)(A) Any full-time permanent, term, or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay and the employee's basic military pay. This amount shall not be considered as basic pay for any purpose. This amount shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty occasioned by any of these military conflicts.

"(B) The Mayor shall issue rules within 30 days of the effective date of the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2003, passed on 2<sup>nd</sup> reading on May 6, 2003 (Enrolled version of Bill 15-232), to implement the provisions of this act."

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase "and (6)" and inserting the phrase "and (7)" in its place.

Note,  
§ 1-611.11

## ENROLLED ORIGINAL

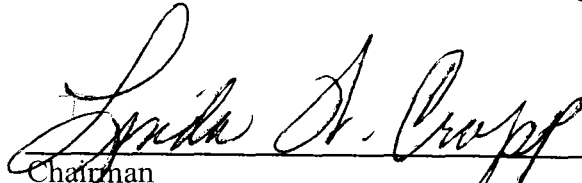
## Sec. 3. Fiscal impact statement.

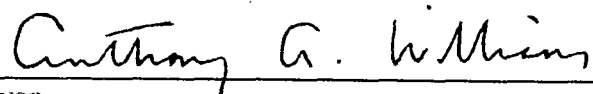
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
May 19, 2003

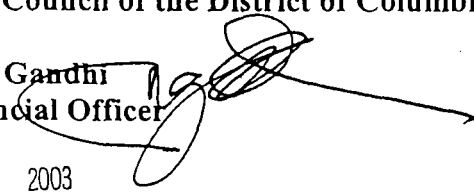
Government of the District of Columbia  
Office of the Chief Financial Officer



Natwar M. Gandhi  
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp  
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi  
Chief Financial Officer 

DATE: MAR 31 2003

SUBJECT: Fiscal Impact Statement (Revised): "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Act of 2003"

REFERENCE: Draft Legislation as Introduced – No Bill Number Available

**Conclusion**

Funds are not sufficient in the FY 2003 through FY 2007 budget and financial plan for this initiative. The Mayor has made a request for the use of reserve funds totaling \$2.75 million to fund all pay and agency costs associated with implementing the proposed legislation for FY 2003. Upon the allocation of the \$2.75 million in existing budgeted reserves, funds will be sufficient in the FY 2003 budget to implement the initiative. However, funds are not sufficient in FY 2004 through FY 2007 because additional resources will be required.

**Background**

Eligible employees may receive a payroll differential representing the difference between a District employee's salary and their military active duty pay if the latter is smaller. Eligibility requires participation in Operation Enduring Freedom or Operation Iraqi Freedom. The proposed legislation will extend the cessation provision of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Operation Enduring Freedom Active Duty Pay Differential Temporary Act of 2001<sup>1</sup>. The proposed legislation is an amendment to make the payroll benefit permanent. The pilot act expired

<sup>1</sup> D.C. Official Code § 1-611.03(a). Original Council action was Bill 14-470; Law 14-116; effective December 18, 2001.

**4341**

on September 30, 2002. Reservists reporting to active duty after that date are currently ineligible for the District pay differential. Under the provisions of the proposed legislation the pay differential will become effective retroactive to October 1, 2002 and continue until the person's release from active duty as was authorized similarly in the pilot act.

#### **Financial Plan Impact**

The proposed legislation will result in District-wide agency costs of \$2.4 million in differential payments, overtime costs, and hiring to fill positions that will be vacant for an extended period of time. For these purposes the Mayor has requested \$2.75 million in existing budget reserves to fund the additional costs in FY 2003. Upon the allocation of \$2.75 million in existing budgeted reserves, funds are sufficient in the FY 2003 budget to provide for these additional costs. At this budget level, the pay differential is expected to be funded for FY 2003 ending on September 30, 2003.

However, the Mayor's proposed FY 2004 through FY 2007 budget and financial plan does not include sufficient funding to continue the payroll benefit after the current fiscal year. Under the current operational and financial conditions the original pilot initiative has been financed for one additional year. It needs to be noted that the bill makes the initiative permanent and as yet has not been budgeted for in additional years.

*The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4<sup>th</sup> Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.*

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2003*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2003 Fall  
Supp.West Group  
Publisher

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes to extend the time in which the Mayor may dispose of the property located in Ward 5 in accordance with the Unsolicited Proposal Submitted by H Street Community Development Corporation for the Acquisition and Development of 2341 4<sup>th</sup> Street, N.E., Resolution of 1999.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2003".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-3) to read as follows:

Note,  
§ 10-801

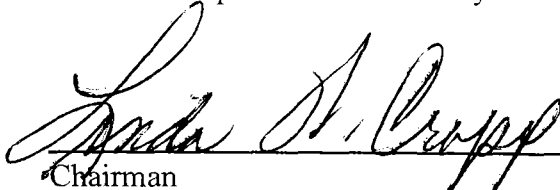
"(d-3) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of property at 2341 4<sup>th</sup> Street, N.E., in accordance with the Unsolicited Proposal Submitted by H Street Community Development Corporation for the Acquisition and Development of 2341 4<sup>th</sup> Street, N.E., Resolution of 1999, deemed approved February 10, 2000 (Prop. Res. 14-436), is extended from February 10, 2002, to February 10, 2004. This subsection shall apply as of February 11, 2002."

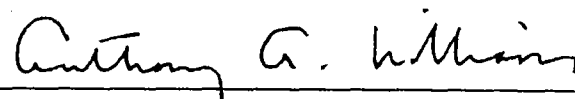
Sec. 3. This act will have a positive fiscal impact by resulting in transfer of property owned by the District, thus exempt from District property taxes, to ownership by a private-sector development subject to District property taxes. The resulting new property tax revenue was estimated at \$37,000 annually in 1999. Creation of new jobs for District residents, estimated at 35 in 1999, will generate additional sums in District income tax revenue. This section constitutes the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire on the 225th day after its having taken effect.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
May 19, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency ( ) Temporary ( x ) Permanent ( )	Date Reported: April 2003
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Subject/Short Title: "Disposal of District Owned Surplus Real Property Amendment Temporary Act of 2003"

## Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	( )	( x )
a) It will affect local expenditures.	( )	( x )
b) It will affect federal expenditures.	( )	( x )
c) It will affect private/other expenditures.	( )	( x )
d) It will affect intra-District expenditures.	( )	( x )
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	( )	( x )
a) It will impact local revenue.	( )	( x )
b) It will impact federal revenue.	( )	( x )
c) It will impact private/other revenue.	( )	( x )
d) It will impact intra-District revenue.	( )	( x )
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	( x )	( )

Explanation: The bill will increase tax revenues.

## Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	( )	( x )
2. Are there performance measures/output for this bill?	( )	( x )
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	( x )	( )
Some economic development in Ward 5 will be delayed.	( )	( x )
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?		

Sources of information: Staff	Councilmember: Vincent B. Orange, Sr.
	Staff Person & Tel: Mercia E. Arnold, 724-8918
	Council Budget Director's Signature: <i>Ant R. R. R.</i>

3/7/03

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2003*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2003 Fall  
Supp.West Group  
Publisher

To impose, on a temporary basis, a freeze on within-grade salary increases for employees of agencies, offices, and instrumentalities of the District of Columbia government for the remainder of the Fiscal Year ending September 30, 2003; to amend section 47-368.01(b) of the District of Columbia Official Code to allow for the transfer of revenue in certain dedicated funds to the General Fund of the District of Columbia; and to reallocate funds from the budget reserve to cover revenue shortfalls.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2003 Budget Support Temporary Act of 2003".

## TITLE I. FREEZE OF WITHIN-GRADE SALARY INCREASES

Sec. 101. Short title.

This title may be cited as the "Freeze of Within-Grade Salary Increases Temporary Act of 2003".

*Note,  
§ 1-611.01*

Sec. 102. Definitions.

For the purposes of this title, the term:

(1) "Agency" means any agency, office, or instrumentality of the District of Columbia government, including independent and subordinate agencies, as defined in section 301(13) and (17) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(13) and (17)) ("CMPA").

(2) "Personnel authority" means an individual with the authority to administer all or part of a personnel management program as provided in sections 301(14) and 406 of the CMPA.

(3) "Within-grade salary increase" means the advancement of an employee's basic rate of pay to the next higher step or other increment within the same grade, class, or pay



## ENROLLED ORIGINAL

level based on quality or length of service or both, without regard to whether this or another term is used to describe the advancement.

Sec. 103. Freeze of within-grade salary increases.

(a) Notwithstanding any other provision of law, collective bargaining agreement, or regulation, as of the effective date of this title, no employee of any agency shall receive a within-grade salary increase during the remainder of the fiscal year ending September 30, 2003.

(b) Time in a non-pay status shall be included in computing an employee's waiting period for a within-grade salary increase under title XI of the CMPA or other applicable law or regulation, unless this title is amended.

Sec. 104. Rules.

To the extent authorized by the CMPA or other applicable law or regulation, each personnel authority may issue regulations to implement this title.

Sec. 105. Repealer.

Section 103(b) of the Fiscal Year 2003 Budget Support Emergency Act of 2003, signed by the Mayor on March 31, 2003 (D.C. Act 15-51; 50 DCR 2957), is repealed as of March 31, 2003.

Sec. 106. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE II. OTHER-TYPE FUNDS TRANSFER

Sec. 201. Short title.

This title may be cited as the "Other-Type Funds Transfer Temporary Act of 2003".

Sec. 202. Section 47-368.01(b) of the District of Columbia Official Code is amended as follows: Note,  
§ 47-368.01

(a) Designate the existing text as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

"(2) Notwithstanding any other provision of law, including the dedication of funds to a particular use, in addition to the transfer authorized in paragraph (1) of this subsection, \$25,310,000 in fiscal year 2003 may be transferred to the General Fund of the District of Columbia from the following Other-Type Funds and in the following amounts:

## ENROLLED ORIGINAL

Fund Title	Amount \$
Nuisance Abatement	\$2,300,000
Real Estate Guarantee and Education Fund	\$ 700,000
Master License Fee	\$1,500,000
Land Acquisition and Housing Development Opportunity Fund	\$ 850,000
DC Recycling Program	\$1,000,000
International Registration Program Fund	\$1,000,000
ABRA Administration	\$ 460,000
Medicaid Reserve	\$13,229,000
FY 02 Budgeted Reserves	\$4,271,000

Sec. 203. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### TITLE III. REALLOCATION OF PRIOR BUDGETED RESERVE FUNDS

Sec. 301. Short title.

This title may be cited as the "Reallocation of Prior Budgeted Reserve Funds Temporary Act of 2003".

Sec. 302. Pursuant to section 47-392.02(j)(3) of the District of Columbia Official Code, during fiscal year 2003, the District of Columbia hereby reallocates \$23,729,000, from prior year allocations from the budget reserve, for the purpose of covering revenue shortfalls within the District. These funds shall be reallocated from the following remaining unexpended balances:

Purpose	Amount	Fiscal Year
FY2002 Revenue Shortfall	\$21,000,000	2001
Summer Youth Program	\$ 368,000	2002
Sales Tax Holiday	\$399,000	2002

The Honorable Linda W. Cropp  
 FIS: Mayor's Introduction, "The FY 2003 BS Amend. Act of 2003"  
 Page 2 of 3

### Financial Plan Impact

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan because the proposed legislation will require no additional staff and resources to implement.

### Title II - Abolishment of the Rental Housing Commission Amendment Act of 2003:

#### Background

The proposed title moves the authority and functions of the Rental Housing Commission to DCRA. In addition, jurisdiction for certain disputes will be deferred from the Rental Housing Commission to the D.C. Superior Court.

#### Financial Plan Impact

Funds are sufficient in the proposed FY 2003 through FY 2006 budget and financial plan to implement the provisions of the proposed title because no additional staff or resources will be required.

### Title III - Funds Adjustment Amendment Act of 2003:

#### Background

The proposed title transfers funds within the District's General Funds from dedicated non-tax revenue ("O" type) accounts to non-dedicated, non-tax revenue accounts. The table in Figure 1 presents the source of the funds that are to be transferred.

Figure 1.

Fund Title	Amount
Nuisance Abatement Fund	\$2,300,000
Real Estate Guarantee and Education Fund	700,000
Master License Fee Fund	1,500,000
Land Acquisition for Housing Development Opportunity Fund	850,000
D.C. Recycling Program Fund	1,000,000
International Registration Program	1,000,000
ABRA Administration	460,000
Medicaid Reserve Fund	13,229,000
<b>TOTAL</b>	<b>\$21,039,000</b>

#### Financial Plan Impact

Funds are sufficient in the proposed FY 2003 through FY 2006 budget and financial plan to implement the provisions of the proposed title because no additional staff or resources will be required. Approximately \$21.04 million in dedicated "O" type accounts will be re-designated as non-dedicated local General Funds.

#### Title IV – Allocation of Budgeted Reserve Funds Act of 2003:

#### **Background**

The proposed title will authorize the use of and allocate existing FY 2003 unspent and undesignated reserve funds to certain District programs.

#### **Financial Plan Impact**

Funds are sufficient in the proposed FY 2003 through FY 2006 budget and financial plan to implement the provisions of the proposed title because no additional staff or resources will be required. An estimated \$23,729,000 of unspent reserves will be used to cover revenue shortfalls.

#### **SUMMARY**

The following tables present a summary of the net impact of the proposed legislation to the FY 2003 through FY 2006 budget and financial plan. The table in Figure 2 presents the financial plan impact to local General Funds and "O" type General Funds.

Figure 2.

Net Impact to General Fund Revenue (in millions)					
Item	FY 2003	FY 2004	FY 2005	FY 2006	4 - Year Total
Dedicated "O" Fund Subtotal	(\$21.04)	\$0.00	\$0.00	\$0.00	(\$21.04)
Non-Dedicated Revenue Subtotal	21.04	0.00	0.00	0.00	21.04
<b>Net Annual Impact</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

The table in Figure 3 presents undesignated reserves which will be allocated in the FY 2003 budget and financial plan to cover revenue shortfalls.

Figure 3.

Net Increase to the FY 2003 Budget and Financial Plan (in millions)				
FY 2003	FY 2004	FY 2005	FY 2006	4 - Year Total
\$23.73	\$0.00	\$0.00	\$0.00	\$23.73

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4<sup>th</sup> Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

## ENROLLED ORIGINAL

Workforce Investment	\$1,962,000	2002
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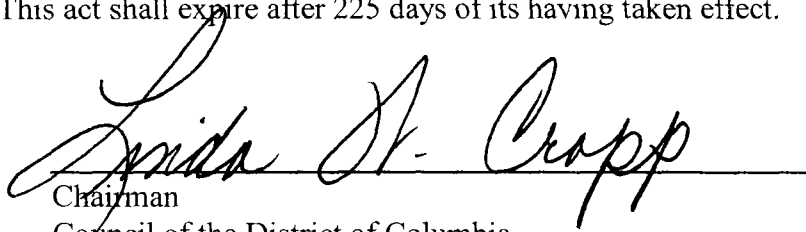
## Sec. 303. Fiscal impact statement.

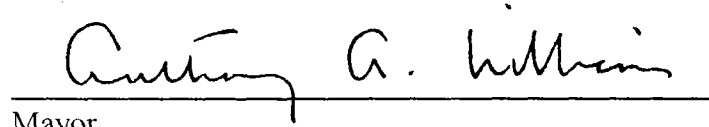
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## TITLE IV. EFFECTIVE DATE

Sec. 401. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
May 19, 2003